11-338-NRO

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3821
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

December 21, 2011

Mr. Gregg S. Paulson, P.E.
Deputy Director of Electric Utilities
City of Manassas/Virginia Municipal Electric Association
8500 Public Works Drive
Manassas, VA 20110

Location: Manassas, VA
Registration No.: 71977

Dear Mr. Paulson:

Attached is a renewal Title V permit to operate your facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all conditions carefully.

This approval to operate does not relieve City of Manassas/Virginia Municipal Electric Association of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

Mr. David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact the regional office at 703-583-3858.

Sincerely,

Terry H. Darton
Regional Air Permit Manager

TAF/THD/EHA/11-338-TV

Attachments: Permit

cc: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III
Manager/Inspector, Air Compliance
File

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Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	City of Manassas/ Virginia Municipal Electric Association
Facility Name:	City of Manassas/VMEA Plant
Facility Location:	9898 Godwin Drive Manassas, Virginia 20110
Registration Number:	71977
Permit Number:	NRO71977

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through IX)

December 21, 2011
Effective Date

December 20, 2016
Expiration Date

Thomas A. Faha
Regional Director

December 21, 2011
Signature Date

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I. Facility Information

Permittee
City of Manassas/Virginia Municipal Electric Association (VMEA)
8500 Public Works Drive
P.O. Box 560
Manassas, Virginia 20110

Responsible Official
Mr. Gregg S. Paulson, P.E.
Deputy Director of Electrical Utilities

Facility
City of Manassas/VMEA Plant (Godwin Plant)
9898 Godwin Drive (Route 662, 0.5 miles southwest of Route 28)
Manassas, Virginia 20110

Contact Person
Mr. Gregg S. Paulson, P.E.
Deputy Director of Electrical Utilities
703-257-8474

County-Plant Identification Number: 51-153-00090

Facility Description: NAICS 221112 – Electric Services – Establishments engaged in the generation, transmission and/or distribution of electric energy for sale.

The City of Manassas/Virginia Municipal Electric Association (VMEA) operates a peaking electric power generation plant at 9898 Godwin Drive in Manassas, Virginia. There are fifteen Caterpillar 3516 DITA engine-generator sets at the site, each rated at 2307 brake horsepower (bhp) or 1600 kilowatts (KW) electricity output and one Caterpillar 3516B Prime Mover engine-generator set, rated at 2593 bhp or 1825 kW electricity output. The City of Manassas is a member of VMEA and operates twelve of the engines under the association's contract with Virginia Power. The other four engines belong to the City of Manassas and are operated for their own peaking power needs. The facility is currently subject to a plant-wide NSR air permit dated May 19, 2011. The permit limits the fifteen Caterpillar 3516 DITA engine-generator sets to generation of no more than 6,510,000 electric kilowatt-hours per year, (approximately 280 hours of operation per engine) and the one Caterpillar 3516 B Prime Mover engine-generator set to no more than 51,100 electric kilowatt-hours per year. The permit requires that each of the fifteen Caterpillar 3516 DITA engines be set for three degrees fuel injection timing retard to reduce nitrogen oxides (as NO_2) emissions. Other emissions, such as carbon monoxide, volatile organic compounds and particulate matter are slightly increased as a result of the NO_2 reduction measure. However, the NO_2 reduction is considered more significant since the facility is located in an area designated as moderate non-attainment for ozone.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment:							
V1-V8, V10-V12 and C7-C10	S1-S8, S10-S12, and S13-S16	Caterpillar 3516 DITA	1600 KW/ 2307 bhp	Ignition Timing retard	-	NO_2	05/19/11
V9	S9	Caterpillar 3516B Prime Mover	1825 kW/ 2593 bhp	N/A	-	N/A	05/19/11

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (Emission Unit ID#V1-V12, #C7-C10)

A. Limitations

1. Nitrogen oxide emissions (as NO_2) from the engines (excluding Ref. No. V9) shall be controlled by fuel injection set at three degrees retarded timing. The engines shall be provided with adequate access for inspection.

   (9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, and Condition 2 of 05/19/11 NSR Permit)

2. The approved fuel for the engines is diesel (No. 2) fuel oil. A change in fuel may require a permit to modify and operate.

   (9 VAC 5-80-110, 9 VAC 5-80-1180, and Condition 3 of 05/19/11 NSR Permit)

3. The sulfur content of the fuel oil to be burned in the engines shall not exceed 0.5 percent by weight per shipment, except for engine V9; which the sulfur content of the fuel oil shall not exceed 0.05 percent by weight per shipment and either has a minimum cetane number of forty or a maximum aromatic content of thirty-five percent by volume.

   (9 VAC 5-80-110, 9 VAC 5-80-1180, and Condition 8 of 05/19/11 NSR permit.)

4. The facility (Ref. No. V1-V8, V10-V12, and C7-C10) shall generate no more than 6,510,000 electric kilowatt-hours of electricity per year (fifteen engines, each operated at 1550 KW for 280 hours; excluding Ref No. V9), calculated monthly as the sum of each consecutive twelve-month period.

   (9 VAC 5-80-110, 9 VAC 5-80-1180, and Condition 5 of 05/19/11 Permit.)

5. The generator set reference number V9 may operate at 1825 KW/hr, but shall not generate more than 51,100 kW of electricity per year, calculated monthly as the sum of each consecutive twelve month period.
   (9 VAC 5-80-110, 9 VAC 5-80-1180, and Condition 6 of 05/19/11 Permit.)

6. The generator set, reference number V9, shall operate no more than twenty-eight hours per year, and shall not operate more than fifteen hours during any ozone season (May 1st through September 30th or as defined in the Commonwealth of Virginia State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution). Annual hours of operation shall be calculated monthly as the sum of each consecutive twelve month period.

   (9 VAC 5-80-110, 9 VAC 5-80-1180, and Condition 7 of 05/19/11 Permit.)

7. Emissions from the operation of the engines shall not exceed the limits specified below:

	Each Engine (Except V9) (in Lb/hr)	Ref No. V9 (in Lb/hr)	Combined all 16 units (in Lb/hr)	Combined all 16 units (in Tons/yr)**
Total Suspended Particulate	1.2	0.4	18.40	2.53
Sulfur Dioxide	9.3	0.86	140.36	19.54
Nitrogen Oxides (as NO2)	53	54.5*	849.50	112.06
Carbon Monoxide	12.2	1.1	184.10	25.64
Volatile Organic Compounds (VOC)	1.6	1.6	25.60	3.38

*The per hour emission limits for V9 apply when electrical power generation is at least 1,368.8 kW, above which is presumed to include the range of normal sustained operation. The limits for all the engines combined apply at all levels of generation.

** The annual emission limits are to be calculated monthly as the sum of each consecutive twelve-month period.

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, and Condition 9 of 05/19/11 NSR Permit)

8. Visible emissions from each engine (excluding Ref. No. V9) shall not exceed twenty percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-80, and Condition 10 of 05/19/11 NSR Permit)

9. Visible emissions from the engine, (Ref. No. V9), shall not exceed five percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed ten percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during start-up, shut-down, and malfunction.

Visible emissions from the engine, (Ref. No. V9), during start-up, shutdown, and malfunctions, shall not exceed ten percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty percent opacity.
(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, and Condition 11 of 05/19/11 Permit)

10. At all times, including periods of start-up, shut-down, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

    The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:

    a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

    b. Maintain an inventory of spare parts.

    c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

    d. Train operators in the proper operation of all such equipment and familiarize the operators with written procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

    Records of maintenance and training shall be maintained on-site for a period of five years and shall be made available to DEQ personnel upon request.

    (9 VAC 5-80-110, 9 VAC 5-80-1180 D, 9 VAC 5-50-20 E, and Condition 18 of 05/19/11 NSR Permit)

B. Monitoring and Recordkeeping

1. Documentation shall be kept for each maintenance and repair procedure conducted on the diesel engine(s), in accordance with manufacturer recommendations. This documentation shall include at a minimum:

    a. The date of the evaluation and adjustment.

    b. Description and purpose of repair or adjustment.

    c. Identity of service entity and technicians involved.

    d. Certification that each engine maintenance action does not affect the fuel injection setting.

These records shall be kept on site and made available for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110)

2. Visible emission observations shall be used by the permittee to assist in determining whether the engine(s) are operating properly. While operating, each engine shall be briefly observed for normal visible emissions during daylight hours each calendar week it operates. The results of the observations (including date & time of observation) and any subsequent corrective action shall be recorded and records retained on site for review. Whenever any engine appears to be exceeding the normal visible emissions, the permittee shall check the engine operating parameters, and proceed as following:

   a. If engine parameters are not within normal range, then:

      1) Corrective action shall be taken to return the engine to proper operation.

      2) The visible emission observation shall be repeated to confirm proper operation.

   b. If engine parameters are within the proper range or corrective action did not adequately reduce visible emissions, then a visible emission evaluation shall be conducted as stated in Condition III.C.3.

   (9 VAC 5-80-110)

3. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be as arranged with the Regional Air Compliance Manager of the DEQ's NRO. These records shall include, but are not limited to:

   a. The annual generation of electricity in kilowatt-hours (KW-hr), calculated monthly for each engine and the facility, as the sum of each consecutive twelve-month period to demonstrate compliance with Conditions III.A.4 and III.A.5.

   b. Monthly, Ozone Season and annual hours of operation of Ref. No V9. Annual hours shall be calculated monthly as the sum of each consecutive twelve-month period to show compliance with Condition III.A.6.

   c. Monthly and annual emissions calculations of NOx (as NO2), CO, SO2, VOC, and PM-10 from the engine generator sets (Reference Number V1 through V12 and C7 through C-10) to verify compliance with the ton/year emission limits in Condition III.A.7.

   d. A copy of the maintenance schedule and records of scheduled and unscheduled maintenance in accordance with Condition III.A.10.

   e. Operator training in accordance with Condition III.A.10.

f. Results of visible emission observations in accordance with Condition III.B.2

Compliance with the consecutive twelve month period referenced in Subsections a, b, and c above shall be demonstrated monthly by adding the total for the most recent month to the previous eleven months

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 13 of 05/19/11 Permit)

4. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

   a. The name of the fuel supplier,

   b. The date on which the oil was received,

   c. The volume of distillate oil delivered in the shipment,

   d. A statement that the oil complies with the American Society for Testing and Materials specifications for diesel fuel oil, and

   e. The sulfur content of the oil.

   (9 VAC 5-50-410 and 9 VAC 5-80-110)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

   (9 VAC 5-50-30, 9 VAC 5-80-110, 9 VAC 5-80-110, and Condition 4 of 05/19/11 NSR permit)

2. If testing is conducted for air compliance purposes, in addition to the monitoring specified in this permit, the permittee shall use the appropriate EPA reference test methods (given in 40 CFR, Appendix A) in accordance with procedures approved by the DEQ. A sample listing is given below.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
NO_x	EPA Method 7, 7E
SO_2	EPA Method 6, 6C
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17, 201a
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

3. A Visible Emission Evaluation shall be used by the permittee to demonstrate compliance with the permit opacity limits. The permittee shall conduct a visible emission evaluation for each engine at least once a year, during the month of September, and when circumstances trigger the provision in Section III.B.2.b. The details of the tests are to be arranged with the Regional Air Compliance Manager of the DEQ's NRO. The permittee shall submit a test protocol at least thirty days prior to testing. The evaluation shall consist of at least one thirty minute observation of each engine exhaust stack by certified personnel in accordance with EPA Reference Method 9 (40 CFR, Appendix A). If any six minute period exceeds twenty percent opacity, then the observation shall be extended to a full sixty minutes. If any two six minute periods exceed twenty percent opacity, or if any one six minute period exceeds thirty percent opacity the exceedance shall be recorded. The permittee shall report the exceedance(s) as required in Condition III.D.1. In addition, the permittee shall take the following steps to correct the emissions exceedance(s):

   a. Remove the engine from service and make the necessary repairs and adjustments to bring engine operation into compliance with the permit.

   b. Document the maintenance and repairs as stated in Condition III.B.1.

   c. Repeat the visible emissions evaluation to demonstrate compliance with the opacity limit before the engine can be returned to service.

   d. In the event that engine still cannot meet the opacity standard in the permit, appropriate action will be agreed upon and implemented by the City of Manassas/VMEA and DEQ before the engine can be returned to service.

   The results of the visible emissions evaluations for each engine shall be available on site for inspection by the DEQ and be current for the most recent five years.

   (9 VAC 5-80-110)

D. Reporting

1. Reporting of emission excursions above an applicable emission standard shall be conducted in accordance with the permit deviation reporting procedures in Conditions VI.E.
(9 VAC 5-80-110)

2. All correspondence concerning compliance with this permit should be submitted to the following address:

   Regional Air Compliance Manager
   Department of Environmental Quality
   Northern Regional Office
   13901 Crown Court
   Woodbridge, Virginia 22193

   (9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 12 of 05/19/11 NSR Permit)

IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
DT1-DT8	Day Tanks	9 VAC 5-80-720B	VOC	1,000 gallons each
FO1-FO4	Fuel Oil Storage tanks	9 VAC 5-80-720B	VOC	15,000 gallons each

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
No Inapplicable requirements identified.		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC

5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

   R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within fourteen days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Regional Air Compliance Manager of the DEQ's NRO by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within fourteen days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Regional Air Compliance Manager of the DEQ's NRO.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be

subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

   (9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within thirty days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

   (9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within thirty days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the

permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

VII. Federal-Only Enforceable Requirements

The Commonwealth of Virginia has not accepted delegation of the following applicable requirements which are required under the federal Clean Air Act and/or any of its applicable federal requirements:

1. 40 CFR 60 Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; and

2. 40 CFR 63, Subpart ZZZZ: National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Authority to enforce these standards is retained by EPA. They are not incorporated by reference into the Virginia regulations.
(40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ)